

REMARKS

Claims 1-40 are currently pending in this application. Claims 1, 3, 4, 11, 13, 20, and 26-28 are currently being amended. Claims 26-28 have been rewritten into independent form. New claims 37-40 have been added. No new subject matter has been added.

Claims 1-5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman (U.S. Patent 5,204,897) (hereinafter Wyman) in view of Ohran et al (U.S. Patent 5,978,565) (hereinafter Ohran), further in view of Badovinatz et al (U.S. Patent 5,704,032) (hereinafter Badovinatz), and further in view of Novaes (U.S. Patent 6,507,863). Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Ohran in view of Badovinatz in view of Novaes and further in view of Baratti et al (GB 2,346,989) (hereinafter Baratti). Claims 7-10 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Ohran in view of Badovinatz in view of Novaes and further in view of Bains et al (U.S. Patent 5,579,222).

The Applicant respectfully disagrees and traverses these rejections. Indeed, the Applicant respectfully asserts that none of these references provide any suggestion or teaching to combine as required by law. The Office has cited no language that suggests that one reasonably skilled in the art would combine prior art references directed to, for example, the distribution of electronic mail, multi-casting and the like, for the solution of problems encountered with a license server which manages the distribution of licenses, in combination with other license servers, to end users. Thus, Applicant respectfully asserts that the claims as previously submitted are patentable over the prior art.

Although the Applicant traverses these rejections, in an effort to expedite allowance of this case, the Applicant, in accordance with a suggestion from the Examiner during a telephone conversation, has amended the claims to include the manner in which records are updated once a new leader server has been selected. For example, claim 1 recites “upon selecting a new leader server from the pool, the new leader server further programmed for receiving from each license server the record of distribution for that license server”. Servers which are programmed for “receiving . . . records of distribution” from other license servers is not found, taught or suggested by the prior art. Additionally, as recited in claim 38 “the new leader is programmed for amending its status of allocations to include the status of allocations for each license server such that a new record of allocations for the licensed servers in the pool is created on the new

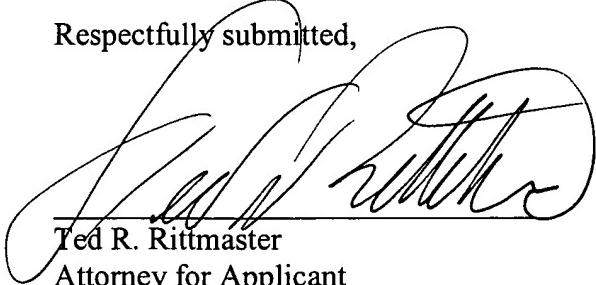
leader.” The updating or amending of the records of a license server, which has been selected as a new leader server, by “receiving from each license server the record of distribution for that license server” is also not found, taught or suggested in the prior art.

With respect to claims 26-28, although the Examiner noted on the Summary sheet that all of the claims were rejected, the Office Action fails to specifically reject claims 26-28. The Applicant believes that these claims are allowable, and thus, has rewritten these claims in independent form. Claim 26 is directed to the identification of a new license server by a client computer, wherein if the client computer has “determined that particular license server is no longer capable of managing a distribution of allocations to use the protected software [the client computer] is programmed for locating another license server by using the leader priority list”. Claims 27 and 28 are directed to the distribution of licenses to multiple client computers either by the server leader or by the server leader and a license server.

Independent claim 1, as amended, is neither disclosed nor suggested by the cited prior art and, hence, is believed to be allowable. As claims 2, 6, 24, 27, and 28 depend from claim 1, these claims are also believed to be allowable. Independent claim 3, as amended, is neither disclosed nor suggested by the cited prior art and, hence, is believed to be allowable. As claim 25 depends from claim 3, claim 25 is also believed to be allowable. Independent claim 4, as amended, is neither disclosed nor suggested by the cited prior art and, hence, is believed to be allowable. Because they depend from claim 4, claims 5, 7-10, 21-23, and 26 are also believed to be allowable. Independent claim 11, as amended, is neither disclosed nor suggested in the cited prior art, and thus, is believed to be allowable. Because they depend from claim 11, claims 12, 15, 32, 35, and 36 are also believed to be allowable. Independent claim 13, as amended, is neither disclosed nor suggested by the cited prior art, and thus, is believed to be allowable. Because it depends from claim 13, claim 33 is also believed to be allowable. Independent claim 20, as amended, is neither disclosed nor suggested by the cited prior art, and thus, is believed to be allowable. Because they depend from claim 20, claims 14, 16-19, 29-31, and 34 are also believed to be allowable.

In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance. Re-examination and reconsideration of the application, as amended, are requested.

Respectfully submitted,



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